

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293



March 13, 1998

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Submittal of Sacramento County Regarding Amendment to the Land Use and Resource Management Plan for the Primary Zone of the Delta to Include Utilities and Infrastructure Policy P-3
(For Public Hearing)

Background Regarding Land Use and Resource Management Plan for the Primary Zone of the Delta (Plan):

On February 23, 1995, the Delta Protection Commission adopted the Plan. The Delta Protection Act (Act) states that within 180 days of the adoption of the Plan, or any amendments by the Commission, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the Act and the Plan (PRC, Section 29763).

To comply, Sacramento County proposed an amendment to the County General Plan to "incorporate the Delta Protection Commission's 'Land Use and Resource Management Plan for the Primary Zone of the Delta' (Delta Plan), excluding Policy P-3 of the Utilities and Infrastructure Section, a copy of which is on file with the Sacramento County Planning and Community Development Department, and is incorporated herein by reference."

On May 23, 1996, the Commission reviewed and concurred with the proposed amendment to the Sacramento County General Plan.

On September 5, 1996, the Board of Supervisors amended the County General Plan as proposed.

Proposed General Plan Amendment to Address Utilities and Infrastructure Policy P-3:

On April 4, 1997, at the direction of the Commission, staff sent a letter to Sacramento County informing the County of the new regulation (Utilities and Infrastructure Policy P-3) which has been amended into the Commission's Plan, and approved by the Office of Administrative Law as a regulation.

That regulation states:

New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge shall not be located within the Delta Primary Zone. [Note: The Rio Vista project, as described in the adopted Final Environmental Impact Report for such project, and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy.]

Description of Lands within Sacramento County in the Primary Zone:

Sacramento County extends through the northern half of the Delta, from I-5, southwest to the confluence of the Sacramento and San Joaquin Rivers, covering about 95,000 acres (see attached map). The Sacramento County portion is about 20 percent of the Primary Zone. Islands and tracts in Sacramento County include: Pierson District, Sutter Island, Grand Island, McCormack-Williamson Tract, Dead Horse Island, Tyler Island, the southern half of Brannan-Andrus Island, Twitchell Island, and Sherman Island. Communities in the Primary Zone include: Courtland, Hood, Locke, Ryde, and Walnut Grove. The northern half of Brannan-Andrus Island, including the City of Isleton, is in the Secondary Zone. The State of California owns much of the southernmost part of the County, including Lower Sherman Island Wildlife Area, Sherman and Twitchell Islands, and the Brannan Island State Recreation Area.

Sacramento County's Submittal:

Sacramento County Planning and Community Development Department has submitted a letter dated February 3, 1998, which states a General Plan amendment is being initiated to "include Policy P-3 of the Utilities and Infrastructure Section of the 'Land Use and Resource Management Plan for the Primary Zone of the Delta' as part of the Delta Plan that the Board of Supervisors previously incorporated into the General Plan".

Analysis of Proposal in Comparison with the Commission's Adopted Plan and Act:

Staff analysis is that the proposed amendment is consistent with Section 29763.5 of the Delta Protection Act, and will ensure the Sacramento County General Plan is consistent with the Commission's Plan, as amended.

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting From the Proposal Which Were Not Previously Addressed in the Commission's Planning Documents:

The County's proposed General Plan amendment to include Utilities and Infrastructure Policy P-3 as part of the Delta Plan that the Board of Supervisors previously incorporated into the General Plan would result in no additional environmental impacts beyond those outlined in the environmental analysis prepared in support of the Commission's adoption of the amendment of the Delta Plan on September 26, 1996.

Public Review and Comment Period:

The Commission's regulations require a thirty day review and comment period. A notice setting a thirty day period was published on March 8, 1998 in the Sacramento Bee and the Stockton Record, newspapers of general circulation in the Delta area. The thirty day comment period started on March 13, 1998 and ends on April 10, 1998.

In addition to accepting written comments, a public hearing has been scheduled for March 26, 1998.

The Commission may not vote on Sacramento County's proposed general plan amendment until the close of the thirty day review period.

Preliminary Staff Recommendation:

Subject to public comment at the public hearing on March 26, 1998, and submittal of written comments during the thirty day review and comment period, staff is preliminarily prepared to recommend that Commission adopt the attached draft resolution finding the County's submittal is in conformance with the Delta Protection Act.

**DRAFT RESOLUTION OF ADOPTION OF SACRAMENTO COUNTY SUBMITTAL
REGARDING UTILITIES AND INFRASTRUCTURE POLICY P-3**

WHEREAS, the Delta Protection Commission adopted the "Land Use and Resource Management Plan for the Primary Zone of the Delta (Plan) on February 23, 1995; and

WHEREAS, the Commission adopted an amendment to the Plan adopting Utilities and Infrastructure Policy P-3 as a regulation on September 26, 1996; and

WHEREAS, Utilities and Infrastructure Policy P-3 states:

New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge shall not be located within the Delta Primary Zone. [Note: The Rio Vista project, as described in the adopted Final Environmental Impact Report for such project, and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy.]; and

WHEREAS, the Sacramento County Planning Department staff submitted a letter dated February 3, 1998, which described the proposed General Plan amendment which would include Utilities and Infrastructure Policy P-3 as part of the Delta Plan that the Board of Supervisors previously incorporated into the General Plan; and

WHEREAS, the Delta Protection Act requires that the Commission act on proposed general plan amendments within 60 days of submittal;

WHEREAS, before approving the proposed general plan amendment, the Commission is required to make the following findings:

- (A) The general plan, and any development approved or proposed that is consistent with the plan, are consistent with the regional plan.
- (B) The general plan, and any development approved or proposed that is consistent with the plan, will not result in wetland or riparian loss.
- (C) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation of water quality.
- (D) The general plan, and any development approved or proposed that is consistent with the plan, will not result in increased nonpoint source pollution.

(E) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or reduction of Pacific Flyway habitat.

(F) The general plan, and any development approved or proposed that is consistent with the plan, will not result in reduced public access, provided the access does not infringe on private property rights.

(G) The general plan, and any development approved or proposed that is consistent with the plan, will not expose the public to increased flood hazard.

(H) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.

(I) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or impairment of levee integrity.

(J) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact navigation.

(K) The general plan, and any development approved or proposed that is consistent with the plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

WHEREAS, upon receipt of the Sacramento County proposed General Plan amendment, Commission staff prepared a staff report and preliminary recommendation to the Commission, including an analysis of the proposed amendments in comparison to the Plan and Act, and an analysis identifying any potentially significant adverse environmental impacts resulting from the proposed amendment which was not previously addressed in the Commission's planning documents; and

WHEREAS, notice of the availability of the staff report and staff recommendation was provided to the public through a notice published on March 8, 1998 in the Sacramento Bee and the Stockton Record, newspapers of general circulation in the Delta area; and

WHEREAS, a thirty day review and comment period was noticed in the Sacramento Bee and the Stockton Record, commencing on March 13, 1998, and ending on April 10, 1998 to allow for submittal of written comments; and

WHEREAS, a public hearing was held on March 26, 1998; and

WHEREAS, Commission staff has consulted with all public agencies which have jurisdiction by law over the activities or resources affected by the proposed general plan amendments; and

WHEREAS, Commission staff has prepared a written summary and a response to all significant environmental points raised during the Commission's evaluation of the proposed general plan amendments and the summary and response were presented to the Commission for consideration and approval priority to or at the same time as the Commission considered the proposed general plan amendment for approval; and

WHEREAS, the Commission has determined that the proposed general plan amendment will not result in any potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning documents; and

WHEREAS, the Commission finds that findings (a) through (k), above, regarding the proposed general plan amendment for Sacramento County, satisfy the requirements of Public Resources Code Section 29763.5;

NOW THEREFORE BE IT RESOLVED, the Delta Protection Commission has approved, by a majority vote of the Commission membership, the proposed general plan amendment of Sacramento County.



COUNTY OF SACRAMENTO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

827 SEVENTH STREET, ROOM 230
SACRAMENTO, CALIFORNIA 95814
Telephone: (916) 874-6141
Fax: (916) 874-6400

THOMAS W. HUTCHINGS
DIRECTOR

Robert Sherry, Principal Planner
Long Range Planning & Enforcement

Tricia Stevens, Principal Planner
Application Processing

Ana Rhodes, ASO III
Administration

February 3, 1998

Ms. Margit Aramburu,
Executive Director
Delta Protection Commission
P.O. Box 530
Walnut Grove, CA 95690

Dear Ms. Aramburu:

Attached for your review is a copy of the Planning Department's staff report to the Board of Supervisors initiating General Plan Amendments that include incorporating Policy P-3 of the Delta Plan, and Policies PF-70 through PF-78 dealing with park and recreation standards into the Public Facilities Element. The report notes that with the exception of Policy P-3 the Delta Plan has previously been incorporated into the General Plan. It also notes that the amendment of Policies PF-70 through PF-78 corrects the omission of policies and standards to support Quimby Act requirements.

We are in the process of scheduling this item for the Board. In the interim, we would appreciate review and comments by you and others. Because this is a draft staff report, changes in language may occur within the basic framework. Further, the Policy Planning Commission may alter staff's proposed language before forwarding the amendments to the Board of Supervisors who will give tentative approval. Upon staff's compiling a resolution reflecting previous actions, the Board will then take final action on that resolution and we will make the appropriate changes to the General Plan.

Given the importance of placing these policies and standards in the General Plan we would like to have your comments no later than the end of March. Please address any questions or comments you might have to Darryl Goehring at 874-5386.

Sincerely,

Darryl R. Goehring
Department of Planning and Community Development

SACRAMENTO-SAN JOAQUIN DELTA

